

State Court Administrative Office
Guidelines for Preparing Local Administrative Orders for
Selecting Case Evaluators and Case Evaluation Panels

(rev. 8/00)

In applying the guidelines for preparing a local administrative order for selecting case evaluators and case evaluation panels, please use the style sheet for local administrative orders and the general local administrative order guidelines dated 3/96. Both are published in the Michigan Court Administration Reference Guide, Volume 1, Section 1 Appendix.

In accordance with MCR 2.404, the following elements of a case evaluation plan must be addressed in the Local Administrative Order:

A. Case Evaluator Plans

If applicable, indicate whether the plan is jointly adopted and administered by adjoining circuit or district courts. If the court is entering into an agreement with a neighboring court to refer cases for case evaluation, indicate which court, and disregard the remainder of the requirements below.

B. Lists of Case Evaluators

1. Case Evaluator Application

The SCAO has approved an application form for use by prospective case evaluators (MC 34, Case Evaluator Application). Courts modifying the SCAO approved form or using an alternative application form must append the application form to the Local Administrative Order. All applications must include:

- (a) an optional section identifying the applicant's gender and racial/ethnic background (which is designed to be detached after receipt and prior to the review and application process);
- (b) certification that the case evaluator meets the requirements for service under the court's selection plan; and,
- (c) certification that the case evaluator will not discriminate against parties, attorneys, or other case evaluators on the basis of race, ethnic origin, gender, or other protected characteristic.

2. Case Evaluator Eligibility

The plan must include the following qualifications unless there are insufficient numbers of potential case evaluators meeting the following qualifications:

- (a) the applicant must have been a practicing lawyer for at least 5 years and be a member in good standing of the State Bar of Michigan;
- (b) an applicant must reside, maintain an office, or have an active practice in the jurisdiction for which the list of mediators is compiled; and,
- (c) an applicant must demonstrate that a substantial portion of the applicant's practice for the last 5 years has been devoted to civil litigation matters, including investigation, discovery, motion practice, case evaluation, settlement, trial preparation, and/or trial.
- (d) If separate sublists are maintained for specific types of cases, the applicant must have had an active practice in the practice area for which the case evaluator is listed for at least the last 3 years.

Note: if there are insufficient numbers of potential case evaluators meeting these qualifications, in a cover letter, please provide reasons for requesting consideration of alternative qualifications.

3. Review of Applications

- (a) If an individual will be reviewing case evaluator applications, indicate the title of the court employee.
- (b) If a committee will be reviewing case evaluator applications, indicate the composition of the committee membership and duration of appointment to the committee.
- (c) Identify the procedure by which an applicant not placed on the case evaluator list may seek reconsideration of the decision by some other person or committee.

4. Specialized Lists

- (a) If applicable, indicate whether separate lists of case evaluators for various types of cases will be maintained.

- (b) If applicable, indicate for which case types separate sublists of case evaluators will be maintained (reflecting whether the case evaluator primarily represents plaintiffs, defendants, or is neutral, as their practice is not identifiable as representing primarily plaintiffs or defendants).

5. Term of Placement on List

Indicate the term of placement of case evaluators on a list, not to exceed 5 years.

6. Removal from Lists

Indicate the procedure for removal from the list of case evaluators who have demonstrated incompetency, bias, made themselves consistently unavailable to serve as a case evaluator, or for other just cause.

7. Orientation and Training

Indicate whether case evaluators are required to attend orientation or training sessions or are provided written materials explaining the case evaluation process and the operation of the court's case evaluation program.

C. Assignment to Panels

Indicate the assignment procedure that in a random or rotating manner assures as nearly as possible that each case evaluator on a list or sublist is assigned approximately the same number of cases over a period of time.